

ENROLLED

2004 Legislature  
Engrossed

CS for CS for SB 354, 1st

1  
2       An act relating to public school educational  
3       instruction; creating s. [1003.415](#), F.S.;  
4       providing the popular name the "Middle Grades  
5       Reform Act"; providing purpose and intent;  
6       defining the term "middle grades"; requiring a  
7       review and recommendations relating to  
8       curricula and courses; requiring implementation  
9       of new or revised reading and language arts  
10      courses; providing for implementation of a  
11      rigorous reading requirement in certain  
12      schools; requiring the Department of Education  
13      to provide technical assistance; requiring a  
14      study of the academic performance of middle  
15      grade students and schools with recommendations  
16      for an increase in performance; requiring a  
17      personalized middle school success plan for  
18      certain students; providing authority for State  
19      Board of Education rulemaking and enforcement;  
20      requiring the Department of Education to  
21      conduct a study on physical education in public  
22      schools; requiring a report to the Governor and  
23      the Legislature; requiring the Department of  
24      Education to develop a physical fitness  
25      assessment instrument and support materials for

26 fitness assessment programs; amending s.  
27 1001.42, F.S.; requiring a school improvement  
28 plan to include the rigorous reading  
29 requirement if applicable; requiring district  
30 school boards to address student health and  
31 fitness in school improvement plans; requiring

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1 district school boards to adopt policies for  
2 implementing student health and fitness  
3 standards; creating s. [1003.455](#), F.S.;  
4 requiring district school boards to develop  
5 physical education programs; requiring district  
6 school boards to adopt written physical  
7 education policies; requiring that the policies  
8 be provided to the Department of Education;  
9 requiring school districts to implement  
10 mandatory physical education under certain  
11 circumstances; amending s. 1012.98, F.S.;  
12 providing for the development of an  
13 Internet-based clearinghouse at a public state  
14 university for professional development

15 programs concerning physical education;  
16 amending s. 1008.25, F.S.; requiring a  
17 personalized middle school success plan to be  
18 incorporated in a student's academic  
19 improvement plan if applicable; amending s.  
20 1012.34, F.S.; revising assessment criteria for  
21 instructional personnel; providing an  
22 appropriation; providing an effective date.

23

24 Be It Enacted by the Legislature of the State of  
Florida:

25

26 Section 1. Section [1003.415](#), Florida Statutes, is  
27 created to read:

28 [1003.415](#) The Middle Grades Reform Act.--

29 (1) POPULAR NAME.--This section shall be known  
by the

30 popular name the "Middle Grades Reform Act."

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1 (2) PURPOSE AND INTENT.--The purpose of this  
section

2 is to provide added focus and rigor to academics in the  
3 middle

4 grades. Using reading as the foundation, all middle  
5 grade

6 students should receive rigorous academic instruction  
7 through

8 challenging curricula delivered by highly qualified  
9 teachers

10 in schools with outstanding leadership, which schools  
11 are

12 supported by engaged and informed parents. It is the  
13 intent of

14 the Legislature that students promoted from the eighth  
15 grade

16 will be ready for success in high school.

17 (3) DEFINITION.--As used in this section, the  
18 term

19 "middle grades" means grades 6, 7, and 8.

20 (4) CURRICULA AND COURSES.--The Department of

21 Education shall review course offerings, teacher

22 qualifications, instructional materials, and teaching

23 practices used in reading and language arts programs in  
24 the

25 middle grades. The department must consult with the  
26 Florida

27 Center for Reading Research at Florida State  
28 University, the

29 Just Read, Florida! Office, reading researchers,  
30 reading

31 specialists, and district supervisors of curriculum in  
32 the

33 development of findings and recommendations. The  
34 Commissioner

35 of Education shall make recommendations to the State  
36 Board of

37 Education regarding changes to reading and language

arts

23 curricula in the middle grades based on research-based  
proven

24 effective programs. The State Board of Education shall  
adopt

25 rules based upon the commissioner's recommendations no  
later

26 than March 1, 2005. Implementation of new or revised  
reading

27 and language arts courses in all middle grades shall be  
phased

28 in beginning no later than the 2005-2006 school year  
with

29 completion no later than the 2008-2009 school year.

30 (5) RIGOROUS READING REQUIREMENT.--

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1 (a) Beginning with the 2004-2005 school year,  
each

2 public school serving middle grade students, including  
charter

3 schools, with fewer than 75 percent of its students  
reading at

4 or above grade level in grade 6, grade 7, or grade 8 as

5 measured by a student scoring at Level 3 or above on  
the FCAT

6 during the prior school year, must incorporate by  
October 1 a

7 rigorous reading requirement for reading and language  
arts

8 programs as the primary component of its school  
improvement

9 plan. The department shall annually provide to each  
district

10 school board by June 30 a list of its schools that are

11 required to incorporate a rigorous reading requirement  
as the

12 primary component of the school's improvement plan. The

13 department shall provide technical assistance to school

14 districts and school administrators required to  
implement the

15 rigorous reading requirement.

16 (b) The purpose of the rigorous reading  
requirement is

17 to assist each student who is not reading at or above  
grade

18 level to do so before entering high school. The  
rigorous

19 reading requirement must include for a middle school's

20 low-performing student population specific areas that  
address

21 phonemic awareness, phonics, fluency, comprehension,  
and

22 vocabulary; the desired levels of performance in those  
areas;

23 and the instructional and support services to be  
provided to

24 meet the desired levels of performance. The school  
shall use

25 research-based reading activities that have been shown  
to be

26 successful in teaching reading to low-performing

students.

27            (c) Schools required to implement the rigorous  
reading

28 requirement must provide quarterly reports to the  
district

29 school superintendent on the progress of students  
toward

30 increased reading achievement.

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1            (d) The results of implementation of a school's

2 rigorous reading requirement shall be used as part of  
the

3 annual evaluation of the school's instructional  
personnel and

4 school administrators as required in s. 1012.34.

5            (6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC

6 PERFORMANCE OF STUDENTS AND SCHOOLS.--

7            (a) The department shall conduct a study on how  
the

8 overall academic performance of middle grade students  
and

9 schools can be improved. The department must consult  
with the

10 Florida Center for Reading Research at Florida State

11 University, the Just Read, Florida! Office, and key  
12 education  
13 stakeholders, including district school board members,  
14 district school superintendents, principals, parents,  
15 teachers, district supervisors of curriculum, and  
16 students  
17 across the state, in the development of its findings  
18 and  
19 recommendations. The department shall review, at a  
20 minimum,  
21 each of the following elements:  
22 1. Academic expectations, which include, but  
23 are not  
24 limited to:  
25 a. Alignment of middle school expectations with  
26 elementary and high school graduation requirements.  
27 b. Best practices to improve reading and  
28 language arts  
29 courses based on research-based programs for middle  
30 school  
31 students in alignment with the Sunshine State  
32 Standards.  
33 c. Strategies that focus on improving academic  
34 success  
35 for low-performing students.  
36 d. Rigor of curricula and courses.  
37 e. Instructional materials.  
38 f. Course enrollment by middle school students.  
39 g. Student support services.  
40 h. Measurement and reporting of student  
41 achievement.



additions.

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- 1 issues.
- 2 2. Attendance policies and student mobility
- 3 issues.
- 4 3. Teacher quality, which includes, but is not
- 5 limited
- 6 to:
- 7 4 a. Preparedness of teachers to teach rigorous
- 8 courses
- 9 to middle school students.
- 10 6 b. Teacher evaluations.
- 11 7 c. Substitute teachers.
- 12 8 d. Certification and recertification
- 13 requirements.
- 14 9 e. Staff development requirements.
- 15 10 f. Availability of effective staff development
- 16 11 training.
- 17 12 g. Teacher recruitment and vacancy issues.
- 18 13 h. Federal requirements for highly qualified
- 19 teachers
- 20 14 pursuant to the No Child Left Behind Act of 2001.
- 21 15 4. Identification and availability of
- 22 diagnostic
- 23 16 testing.
- 24 17 5. Availability of personnel and scheduling
- 25 issues.
- 26 18 6. Middle school leadership and performance.
- 27 19 7. Parental and community involvement.

20 (b) By December 1, 2004, the Commissioner of  
Education

21 shall submit to the President of the Senate, the  
Speaker of

22 the House of Representatives, the chairs of the  
education

23 committees in the Senate and the House of  
Representatives, and

24 the State Board of Education recommendations to  
increase the

25 academic performance of middle grade students and  
schools.

26 (7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--

27 (a) Beginning with the 2004-2005 school year,  
each

28 principal of a school with a middle grade shall  
designate

29 certified staff members at the school to develop and

30 administer a personalized middle school success plan  
for each

31 entering sixth grade student who scored below Level 3  
in

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1 reading on the most recently administered FCAT. The  
purpose of

2 the success plan is to assist the student in meeting  
state and

3 school district expectations in academic proficiency  
4 and to

5 prepare the student for a rigorous high school  
6 curriculum. The

7 success plan shall be developed in collaboration with  
8 the

9 student and his or her parent and must be implemented  
10 until

11 the student completes the eighth grade or achieves a  
12 score at

13 Level 3 or above in reading on the FCAT, whichever  
14 occurs

15 first. The success plan must minimize paperwork and may  
16 be

17 incorporated into a parent/teacher conference, included  
18 as

19 part of a progress report or report card, included as  
20 part of

21 a general orientation at the beginning of the school  
22 year, or

23 provided by electronic mail or other written  
24 correspondence.

25 (b) The personalized middle school success plan  
26 must:

27 1. Identify educational goals and intermediate  
28 benchmarks for the student in the core curriculum areas  
29 which

30 will prepare the student for high school.

31 2. Be based upon academic performance data and  
32 an

33 identification of the student's strengths and  
34 weaknesses.

35 3. Include academic intervention strategies  
36 with

37 frequent progress monitoring.

38 4. Provide innovative methods to promote the

student's

23 advancement which may include, but not be limited to,  
flexible

24 scheduling, tutoring, focus on core curricula, online

25 instruction, an alternative learning environment, or  
other

26 interventions that have been shown to accelerate the  
learning

27 process.

28 (c) The personalized middle school success plan  
must

29 be incorporated into any individual student plan  
required by

30 federal or state law, including the academic  
improvement plan

31 required in s. 1008.25, an individual education plan  
(IEP) for

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1 a student with disabilities, a federal 504 plan, or an  
ESOL

2 plan.

3 (d) The Department of Education shall provide

4 technical assistance for districts, school  
administrators, and

5 instructional personnel regarding the development of

6 personalized middle school success plans. The

assistance shall

7 include strategies and techniques designed to maximize  
8 interaction between students, parents, teachers, and  
9 other  
10 instructional and administrative staff while minimizing  
11 paperwork.

12 (8) STATE BOARD OF EDUCATION AUTHORITY.--

13 (a) The State Board of Education shall have  
14 authority  
15 to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
16 implement the provisions of this section.

17 (b) The State Board of Education shall have  
18 authority  
19 pursuant to s. 1008.32 to enforce the provisions of  
20 this  
21 section.

22 Section 2. (1) The Department of Education  
23 shall  
24 conduct a study to determine the status of physical  
25 education  
26 instruction in the public schools and shall develop  
27 detailed  
28 recommendations for changes to physical education  
29 programs. As

30 a part of the study, the Department of Education shall:

31 (a) Determine the number of public schools in  
32 the  
33 state which have eliminated or reduced physical  
34 education  
35 instruction;

36 (b) Assess current issues concerning personnel  
37 who  
38 teach physical education and determine appropriate  
39 roles for

28 all personnel in expanding both physical education and  
other

29 physical activity for students;

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1 (c) Determine the average length and frequency  
of

2 physical education classes in elementary, middle, and  
high

3 school, respectively, by school district;

4 (d) Determine the percent of physical education

5 classes taught by certified physical education  
instructors;

6 (e) Assess the degree to which individual  
schools

7 within a school district are allowed to add to or  
modify

8 district requirements for physical education;

9 (f) Assess the availability of fitness  
assessment

10 programs, such as the President's Challenge Physical  
Fitness

11 Program, which could be adopted by schools or an entire  
school

12 district in order to provide information regarding and

13 encourage student fitness;

14 (g) Determine the methods of providing feedback  
15 to a

16 parent through a student assessment report that would  
17 summarize a student's results and the school's results  
18 as set

19 forth in an assessment tool, such as the Fitnessgram or  
20 the

21 School Health Index of the Centers for Disease Control  
22 and

23 Prevention; and

24 (h) Develop recommendations for the most  
25 efficient

26 ways to substantially increase the level of physical  
27 education

28 and physical activity for students in grades  
29 prekindergarten

30 through grade 5, grades 6 through 8, and grades 9  
31 through 12,

32 by group.

33

34 The study results must also contain an assessment  
35 developed by

36 the Department of Education of the fiscal impact of any  
37 recommended changes. The Department of Education shall  
38 submit

39 a report on the study to the Governor and the  
40 Legislature by

41 February 1, 2005.

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1           (2) The Department of Education shall select or  
2 develop by March 1, 2005, a physical fitness assessment  
3 instrument that school districts may use in assessing  
and  
4 reporting individual student fitness and a standard  
report  
5 form for this information which may be provided to  
parents.

6           (3) By December 1, 2004, the Department of  
Education  
7 shall develop support materials and distribute the  
materials  
8 to each school district to enable implementation of  
fitness  
9 assessment programs recommended pursuant to subsection  
(2).

10 The support materials must include the necessary  
instructions,  
11 procedures, and forms to implement and successfully  
administer  
12 the programs or reports. The department may develop and  
13 distribute other support or informational materials it  
14 determines may assist schools or school districts in  
improving  
15 student health and fitness through local action.

16           Section 3. Paragraph (a) of subsection (16) and  
17 paragraph (a) of subsection (17) of section 1001.42,  
Florida

18 Statutes, are amended to read:



19           1001.42 Powers and duties of district school  
20 board.--The district school board, acting as a board,  
shall  
21 exercise all powers and perform all duties listed  
below:  
22           (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
23 ACCOUNTABILITY.--Maintain a system of school  
improvement and  
24 education accountability as provided by statute and  
State  
25 Board of Education rule. This system of school  
improvement and  
26 education accountability shall be consistent with, and  
27 implemented through, the district's continuing system  
of  
28 planning and budgeting required by this section and ss.  
29 1008.385, 1010.01, and 1011.01. This system of school  
30 improvement and education accountability shall include,  
but is  
31 not limited to, the following:

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1           (a) School improvement plans.--Annually approve  
and  
2 require implementation of a new, amended, or  
continuation

3 school improvement plan for each school in the  
district,

4 except that a district school board may establish a  
district

5 school improvement plan that includes all schools in  
the

6 district operating for the purpose of providing  
educational

7 services to youth in Department of Juvenile Justice  
programs.

8 Such plan shall be designed to achieve the state  
education

9 priorities pursuant to s. 1000.03(5) and student  
performance

10 standards. In addition, any school required to  
implement a

11 rigorous reading requirement pursuant to s. [1003.415](#) must

12 include such component in its school improvement plan.  
Each

13 plan shall also address issues relative to budget,  
training,

14 instructional materials, technology, staffing, student  
support

15 services, specific school safety and discipline  
strategies,

16 student health and fitness, including physical fitness,

17 parental information on student health and fitness, and  
indoor

18 environmental air quality, and other matters of  
resource

19 allocation, as determined by district school board  
policy, and

20 shall be based on an analysis of student achievement  
and other

21 school performance data.

22 (17) LOCAL-LEVEL DECISIONMAKING.--

23 (a) Adopt policies that clearly encourage and  
enhance  
24 maximum decisionmaking appropriate to the school site.  
Such  
25 policies must include guidelines for schools in the  
adoption  
26 and purchase of district and school site instructional  
27 materials and technology, the implementation of student  
health  
28 and fitness standards, staff training, school advisory  
council  
29 member training, student support services, budgeting,  
and the  
30 allocation of staff resources.  
31

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1 Section 4. Section [1003.455](#), Florida Statutes, is  
2 created to read:  
3 [1003.455](#) Physical education; assessment.--  
4 (1) It is the responsibility of each district  
school  
5 board to develop a physical education program that  
stresses  
6 physical fitness and encourages healthy, active  
lifestyles and  
7 to encourage all students in prekindergarten through

grade 12

8 to participate in physical education. Physical  
education shall

9 consist of physical activities of at least a moderate  
10 intensity level and for a duration sufficient to  
provide a

11 significant health benefit to students, subject to the  
12 differing capabilities of students.

13 (2) Each district school board shall, no later  
than

14 December 1, 2004, adopt a written physical education  
policy

15 that details the school district's physical education  
program

16 and expected program outcomes. Each district school  
board

17 shall provide a copy of its written policy to the  
Department

18 of Education by December 15, 2004.

19 (3) Any district that does not adopt a physical  
20 education policy by December 1, 2004, shall, at a  
minimum,

21 implement a mandatory physical education program for  
22 kindergarten through grade 5 which provides students  
with 30

23 minutes of physical education each day, 3 days a week.

24 Section 5. Paragraph (d) is added to subsection  
(4) of

25 section 1012.98, Florida Statutes, to read:

26 1012.98 School Community Professional  
Development

27 Act.--

28 (4) The Department of Education, school  
districts,

29 schools, community colleges, and state universities  
share the

30 responsibilities described in this section. These

31 responsibilities include the following:

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1 (d) The Department of Education shall approve a  
public

2 state university having an approved physical education  
teacher

3 preparation program within its college of education to  
develop

4 and implement an Internet-based clearinghouse for  
physical

5 education professional development programs that may be

6 accessed and used by all instructional personnel. The

7 development of these programs shall be financed  
primarily by

8 private funds and shall be available for use no later  
than

9 August 1, 2005.

10 Section 6. Paragraph (b) of subsection (4) of  
section

11 1008.25, Florida Statutes, is amended to read:

12 1008.25 Public school student progression;  
remedial

13 instruction; reporting requirements.--

14 (4) ASSESSMENT AND REMEDIATION.--

15 (b) The school in which the student is enrolled  
16 must  
17 develop, in consultation with the student's parent, and  
18 must  
19 implement an academic improvement plan designed to  
20 assist the  
21 student in meeting state and district expectations for  
22 proficiency. For a student for whom a personalized  
23 middle  
24 school success plan is required pursuant to s. 1003.415,  
25 the  
26 middle school success plan must be incorporated in the  
27 student's academic improvement plan. Beginning with the  
28 2002-2003 school year, if the student has been  
29 identified as  
30 having a deficiency in reading, the academic  
31 improvement plan  
32 shall identify the student's specific areas of  
33 deficiency in  
34 phonemic awareness, phonics, fluency, comprehension,  
35 and  
36 vocabulary; the desired levels of performance in these  
37 areas;  
38 and the instructional and support services to be  
39 provided to  
40 meet the desired levels of performance. Schools shall  
41 also  
42 provide for the frequent monitoring of the student's  
43 progress  
44 in meeting the desired levels of performance. District  
45 school

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1 boards shall assist schools and teachers to implement  
2 research-based reading activities that have been shown  
to be

3 successful in teaching reading to low-performing  
students.

4 Remedial instruction provided during high school may  
not be in

5 lieu of English and mathematics credits required for  
6 graduation.

7 Section 7. Paragraph (a) of subsection (3) of  
section

8 1012.34, Florida Statutes, is amended to read:

9 1012.34 Assessment procedures and criteria.--

10 (3) The assessment procedure for instructional  
11 personnel and school administrators must be primarily  
based on

12 the performance of students assigned to their  
classrooms or

13 schools, as appropriate. The procedures must comply  
with, but

14 are not limited to, the following requirements:

15 (a) An assessment must be conducted for each  
employee

16 at least once a year. The assessment must be based upon  
sound

17 educational principles and contemporary research in  
effective

18 educational practices. The assessment must primarily

use data

19 and indicators of improvement in student performance  
assessed

20 annually as specified in s. 1008.22 and may consider  
results

21 of peer reviews in evaluating the employee's  
performance.

22 Student performance must be measured by state  
assessments

23 required under s. 1008.22 and by local assessments for

24 subjects and grade levels not measured by the state  
assessment

25 program. The assessment criteria must include, but are  
not

26 limited to, indicators that relate to the following:

27 1. Performance of students.

28 2. Ability to maintain appropriate discipline.

29 3. Knowledge of subject matter. The district  
school

30 board shall make special provisions for evaluating  
teachers

31 who are assigned to teach out-of-field.

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1 4. Ability to plan and deliver instruction,  
including

2 implementation of the rigorous reading requirement



pursuant to

3 s. 1003.415, when applicable, and the use of technology  
in the

4 classroom.

5 5. Ability to evaluate instructional needs.

6 6. Ability to establish and maintain a positive  
7 collaborative relationship with students' families to  
increase

8 student achievement.

9 7. Other professional competencies,  
responsibilities,

10 and requirements as established by rules of the State  
Board of

11 Education and policies of the district school board.

12 Section 8. There is hereby appropriated  
\$445,000 from

13 the General Revenue Fund to the Florida State  
University

14 Charter Lab Elementary School in Broward County for the  
15 purpose delineated in section 1002.32(9)(e), Florida  
Statutes.

16 Section 9. This act shall take effect upon  
becoming a

17 law.

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